

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

COUNTRY LIFE INSURANCE )  
COMPANY, )  
                        )  
Plaintiff, )  
                        )  
                        )  
v. )                      No. 08 C 383  
                        )  
BARBARA F. PIERCE, )                      Judge Andersen  
                        )  
                        )  
Defendant. )                      Magistrate Judge Ashman

**DEFENDANT'S MOTION TO DISMISS**

Now comes the defendant, BARBRA F. PIERCE, by her attorneys, MARK D. DE BOFSKY DALEY, DE BOFSKY & BRYANT, and hereby move to dismiss plaintiff's complaint pursuant to Fed.R.Civ.P. 12(b)(1) and 12(b)(6) on the ground that Plaintiff's claims are preempted by the ERISA statute, 29 U.S.C. § 1001 *et seq.* In support thereof, Defendant attaches a concise memorandum of law.

WHEREFORE, Defendant prays that this matter be dismissed with prejudice and with costs.

Respectfully Submitted,

s/ Mark D. DeBofsky  
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**CERTIFICATE OF SERVICE**

TO: Keith G. Carlson  
Carlson Law Offices  
218 N. Jefferson, Ste. 101  
Chicago, Illinois 60661

The undersigned attorney hereby certifies that on January 28, 2008, he electronically filed the foregoing MOTION TO DISMISS with the Clerk of the Court using the CMF/ECF filing system, which sent notice of such filing to Keith G. Carlson, the above named attorney, and that I hereby certify that I have mailed via the United States Postal Service the document to the following non-CMF/ECF participants: N/A.

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s/ Mark D. DeBofsky

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